

**CLOSED**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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BERNHEIM,	:	
	:	Civil Action No. 07-2195 (FSH)
Plaintiff,	:	
	:	
v.	:	<b><u>ORDER</u></b>
	:	
THE ESTATE OF MAXINE BEDRICK.,	:	
	:	October 1, 2007
Defendant.	:	
	:	

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This matter coming before this Court upon Magistrate Judge Shwartz's September 12, 2007 Report and Recommendation concluding that, regardless of whether the appropriate standard is set by Federal Rule of Civil Procedure 15, Rule 20, the removal statute, 28 U.S.C. § 1447(e), or a combination thereof, Plaintiff should be granted leave to file the Proposed Amended complaint to add defendant Veneziano; and

it appearing that such amendment would destroy diversity and leave "no basis for this Court to exercise subject matter jurisdiction over the Amended Complaint;" and

it appearing that Judge Shwartz therefore "recommend[s] that the United State District Judge remand this case to New Jersey Superior Court, Morris County;" and

it appearing that Judge Shwartz provided the parties "10 days to object to the recommendation to remand this matter;" and

it appearing that neither party has filed an objection to the Report and Recommendation and that ten days have passed, see L. Civ. R. 72.1(c)(2); and

it appearing that Judge Shwartz ordered Plaintiff to file the Amended Complaint no later than September 19, 2007; and

it appearing that Plaintiff filed the Amended Complaint on September 26, 2007 pursuant to Judge Shwartz's September 26, 2007 order extending the deadline for Plaintiff to file the complaint; and

this Court having reviewed *de novo* the Report and Recommendation, and good cause appearing;

**IT IS** on this 1st day of October, 2007

**ORDERED** that Magistrate Judge Shwartz's September 12, 2007 Report and Recommendation is adopted as the Opinion of this Court; and it is

**ORDERED** that Plaintiff's Complaint is **REMANDED** to the Superior Court of New Jersey, Morris County; and it is further

**ORDERED** that this case is **CLOSED**.

/s/ Faith S. Hochberg  
Hon. Faith S. Hochberg, U.S.D.J.